

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CLAYTON AYERS, III : CIVIL ACTION
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JOHN MURRAY, et al. : NO. 11-CV-2396

ORDER

AND NOW, this 23rd day of May, 2011, upon consideration of the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge L. Felipe Restrepo and the Petitioner's Motion in Objection to the Report and Recommendation it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DISMISSED as time-barred;
3. A certificate of appealability should not issue since, for the reasons set forth in the Report and Recommendation, Petitioner has failed to show that a reasonable jurist could conclude that the Court is incorrect in dismissing the petition as time-barred.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, J.